

**ENTERED**

March 23, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VINCENT HENDERSON,	§	CIVIL ACTION NO.
Plaintiff,	§	4:18-cv-00413
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
HARRIS COUNTY, <i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING  
MEMORANDUM AND RECOMMENDATION**

This case involves claims by Plaintiff Vincent Henderson under 42 USC § 1983 for excessive force, failure to train, failure to discipline, and failure to supervise against Defendants Harris County, Michael Richard, and Ron Hickman. See Dkt 59 (corrected third amended complaint). It was referred for disposition to Magistrate Judge Nancy K. Johnson and then reassigned to Magistrate Judge Sam S. Sheldon. Dkts 56, Minute Entry of 07/10/2020.

Hickman was the Harris County Sheriff from May 2015 to December 2016. He filed a motion to dismiss for failure to state a claim against him. See Dkt 69. The Magistrate Judge recommended that:

- *First*, the motion to dismiss be granted because the complaint fails to state a claim under Section 1983 against Hickman; and
- *Second*, the claims against Hickman be dismissed with prejudice because Henderson has filed four complaints, all of which are based on a 2009 report from the United States Department of Justice that has been found insufficient to support the subject claim.

Dkt 92 at 8, 10.

The district court conducts a *de novo* review of those conclusions of a magistrate judge to which a party has specifically objected. See 28 USC § 636(b)(1)(C); *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989). To accept any other portions to which there is no objection, the reviewing court need only satisfy itself that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1420 (5th Cir 1996); see also FRCP 72(b) Advisory Comm Note (1983).


Neither party filed an objection. As such, the Court has reviewed the pleadings, the record, the applicable law, and the recommendation. No clear error appears on the face of the record.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 92.

The motion to dismiss by Defendant Ron Hickman is GRANTED. Dkt 92. The claims against him by Plaintiff Vincent Henderson are DISMISSED WITH PREJUDICE.

SO ORDERED.

Signed on March 23, 2021, at Houston, Texas.

  
Hon. Charles Eskridge  
United States District Judge